

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1525

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-40-6-4, AS ADDED BY P.L.139-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a) As used in this section, "identifying information" has the meaning set forth in IC 35-43-5-1.**

(b) A prosecuting attorney or a victim assistance program shall do the following:

- (1) Inform a victim that the victim may be present at all public stages of the criminal justice process to the extent that:
 - (A) the victim's presence and statements do not interfere with a defendant's constitutional rights; and
 - (B) there has not been a court order restricting, limiting, or prohibiting attendance at the criminal proceedings.
- (2) Timely notify a victim of all criminal justice hearings and proceedings that are scheduled for a criminal matter in which the victim was involved.
- (3) Promptly notify a victim when a criminal court proceeding has been rescheduled or canceled.
- (4) Obtain an interpreter or translator, if necessary, to advise a victim of the rights granted to a victim under the law.
- (5) Coordinate efforts of local law enforcement agencies that are designed to promptly inform a victim after an offense occurs of the availability of, and the application process for, community services for victims and the families of victims, including



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information concerning services such as the following:

- (A) Victim compensation funds.
- (B) Victim assistance resources.
- (C) Legal resources.
- (D) Mental health services.
- (E) Social services.
- (F) Health resources.
- (G) Rehabilitative services.
- (H) Financial assistance services.
- (I) Crisis intervention services.
- (J) Transportation and child care services to promote the participation of a victim or a member of the victim's immediate family in the criminal proceedings.
- (6) Inform the victim that the court may order a defendant convicted of the offense involving the victim to pay restitution to the victim under IC 35-50-5-3.
- (7) Upon request of the victim, inform the victim of the terms and conditions of release of the person accused of committing a crime against the victim.
- (8) Upon request of the victim, give the victim notice of the criminal offense for which:
 - (A) the defendant accused of committing the offense against the victim was convicted or acquitted; or
 - (B) the charges were dismissed against the defendant accused of committing the offense against the victim.
- (9) In a county having a victim-offender reconciliation program (VORP), provide an opportunity for a victim, if the accused person or the offender agrees, to:
 - (A) meet with the accused person or the offender in a safe, controlled environment;
 - (B) give to the accused person or the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim and the victim's family; and
 - (C) negotiate a restitution agreement to be submitted to the sentencing court for damages incurred by the victim as a result of the offense.
- (10) Assist a victim in preparing verified documentation necessary to obtain a restitution order under IC 35-50-5-3.
- (11) Advise a victim of other rights granted to a victim under the law.

(c) Except as provided in subsection (d), a prosecuting attorney shall not disclose victim identifying information during discovery



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and other proceedings.

(d) For good cause shown, the court may order the disclosure of victim identifying information. The court may impose reasonable restrictions on the disclosure of victim identifying information, including a requirement that the identifying information not be disclosed to the defendant.

SECTION 2. IC 35-44-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A person who knowingly or intentionally:

- (1) forcibly resists, obstructs, or interferes with a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of ~~his~~ **the law enforcement officer's** duties as an officer;
- (2) forcibly resists, obstructs, or interferes with the authorized service or execution of a civil or criminal process or order of a court; or
- (3) flees from a law enforcement officer after the officer has, by visible or audible means, identified himself **or herself** and ordered the person to stop;

commits resisting law enforcement, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense under subsection (a) is a:

- (1) Class D felony if,
 - ~~(A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or~~
 - ~~(B) while committing any offense described in subsection (a), the person draws or uses a deadly weapon or inflicts bodily injury on another person; or operates a vehicle in a manner that creates a substantial risk of bodily injury to another person;~~
- (2) Class C felony if:
 - (A) the offense is described in subsection (a)(3) and the person uses a vehicle to commit the offense; or**
 - (B) while committing any offense described in subsection (a), the person operates a vehicle in a manner that:**
 - (i) creates a substantial risk of bodily injury to another person; or**
 - (ii) causes serious bodily injury to another person; and**
- (3) Class B felony if, while committing any offense described in subsection (a), the person operates a vehicle in a manner that causes the death of another person.

(c) For purposes of this section, a law enforcement officer includes

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an alcoholic beverage enforcement officer and a conservation officer of the department of natural resources.

SECTION 3. IC 35-44-3-9, AS AMENDED BY P.L.243-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]: Sec. 9. (a) As used in this section, "juvenile facility" means the following:

(1) A secure facility (as defined in IC 31-9-2-114) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(2) A shelter care facility (as defined in IC 31-9-2-117) in which a child is detained under IC 31 or used for a child awaiting adjudication or adjudicated under IC 31 as a child in need of services or a delinquent child.

(b) A person who, without the prior authorization of the person in charge of a penal facility or juvenile facility knowingly or intentionally:

(1) delivers, or carries into the penal facility or juvenile facility with intent to deliver, an article to an inmate or child of the facility;

(2) carries, or receives with intent to carry out of the penal facility or juvenile facility, an article from an inmate or child of the facility; or

(3) delivers, or carries to a ~~work site~~ **worksite** with the intent to deliver, alcoholic beverages to an inmate or child of a jail work crew or community work crew;

commits trafficking with an inmate, a Class A misdemeanor. However, the offense is a Class C felony if the article is a controlled substance or a deadly weapon.

(c) It is a defense to a charge under subsection (b)(1) that the article delivered to an inmate or child was:

(1) not contraband (as defined in IC 11-11-2-1) or prohibited property (as defined in IC 11-11-2-1);

(2) necessary for the health or safety of the inmate or child; and

(3) delivered because the facility had not provided the inmate or child with the article after the inmate, the child, or an employee of the facility requested the article.

SECTION 4. IC 35-46-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. **(a) A person at least** eighteen (18) years of age ~~or older~~ who knowingly or intentionally encourages, aids, induces, or causes a person ~~under less than~~ **under less than** eighteen (18) years of age to commit an act of delinquency (as defined by

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IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, ~~the~~ **an offense described in subsection (a)** is a Class C felony if:

(1) the:

(A) person knowingly or intentionally furnishes:

- (i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person knew or reasonably should have known that the person was less than eighteen (18) years of age; or**
- (ii) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and**

(B) consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; or

(2) the person is at least eighteen (18) years of age and knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:

- (1) (A) IC 35-48-4-1.**
- (2) (B) IC 35-48-4-2.**
- (3) (C) IC 35-48-4-3.**
- (4) (D) IC 35-48-4-4.**
- (5) (E) IC 35-48-4-4.5.**
- (6) (F) IC 35-48-4-4.6. or**
- (7) (G) IC 35-48-4-5.**

SECTION 5. [EFFECTIVE JULY 1, 2003] IC 35-44-3-3 and IC 35-46-1-8, both as amended by this act, apply only to offenses committed after June 30, 2003.

SECTION 6. [EFFECTIVE JULY 1, 2003] (a) An employee of a penal facility who was the subject of an adverse employment decision based on a violation of IC 35-44-3-9(b)(1) involving the delivery of an article that was not contraband (as defined in IC 11-11-2-1) or prohibited property (as defined in IC 11-11-2-1) after January 1, 2002, and before July 1, 2003, is entitled to a redetermination of any employment action taken in response to the violation, including but not limited to, a rehearing or reinstatement.

(b) This SECTION expires July 1, 2008.

SECTION 7. An emergency is declared for this act.



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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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